

STATE OF INDIANA )  
 )  
COUNTY OF LAKE )

SS:

IN THE LAKE CIRCUIT COURT

STREAM POLLUTION CONTROL BOARD  
OF THE STATE OF INDIANA,

Plaintiff,

vs.

CITY OF GARY, a Municipal  
Corporation,

Defendant.

CAUSE NO.

VERIFIED COMPLAINT FOR PRELIMINARY  
AND PERMANENT INJUNCTION

Comes now Plaintiff, Stream Pollution Control Board of the State of Indiana, by Oral H. Hert, Technical Secretary, and by counsel, Theodore L. Sendak, Attorney General of Indiana, by Eric B. Servaas, Deputy Attorney General and complains as follows:

1. Plaintiff, Stream Pollution Control Board, is an agency of the State of Indiana created by I.C. 13-1-3-1 and continued by I.C. 13-7-6-3.

2. By appropriate resolution, the Environmental Management Board has delegated the powers granted it by I.C. 13-7-6-1 pertaining to enforcement of the Refuse Disposal Act, I.C. 19-2-1, to the Plaintiff, Stream Pollution Control Board.

3. The Defendant, City of Gary, is a municipal corporation organized and existing in Lake County, Indiana.

4. The Defendant, City of Gary, operates a solid waste disposal site on land located on 15th Avenue between Burr Street and Colfax Street, Lake County, Indiana.

5. On October 28, 1975 the Plaintiff, Stream Pollution Control Board, adopted an order to which the Defendant, City of Gary, agreed and accepted. A copy of said agreed order is attached to this complaint, marked Exhibit A, and is incorporated by reference and made a part of this complaint.

6. After adoption of the abovesaid agreed order by Plaintiff, the Defendant did not object or otherwise oppose the issuance of said order.



7. Defendant, City of Gary, has failed to comply with paragraphs 1, 4, 5, 6, 7, 8, 10 and 11(a)(b)(d)(e) of the above said agreed order.

8. The right of injunction is granted to Plaintiff, Stream Pollution Control Board, by I.C. 13-7-5-1 which provides, in pertinent part:

In addition to the powers conferred upon the board and agencies in other chapters of this article, the board and agencies shall have the power to:

\* \* \* \*

(1) Proceed in any court of competent jurisdiction, by appropriate action, to enforce any order of the board or agency. Ibid.

and such right of injunction is further granted to Plaintiff, Stream Pollution Control Board, by I.C. 4-22-1-27 which provides,

Any agency may bring a proceeding in equity against any person against whom a final order or determination has been made to compel compliance therewith, and the court or judge thereof in vacation in such action shall have jurisdiction to enforce such order or determination by prohibitory or mandatory injunction.

WHEREFORE, Plaintiff prays that the Court issue a preliminary injunction, later to be made permanent, directing the defendant, City of Gary, to comply with the aforesaid agreed order of October 28, 1975 and for all other relief.

STREAM POLLUTION CONTROL BOARD

*Oral H. Hert*

Oral H. Hert, Technical Secretary

VERIFICATION

Oral H. Hert, being first duly sworn upon his oath, deposes and says that he is the Technical Secretary of the Stream Pollution Control Board of the State of Indiana and that he has read the above and foregoing Verified Complaint and that the matters set out therein are true as he verily believes.

*Oral H. Hert*

Oral H. Hert, Technical Secretary  
Stream Pollution Control Board

Subscribed and sworn to before me, a Notary Public, this

20 day of June, 1977.

Robert G. Grant  
Notary Public

My Commission Expires:

1-14-79

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